

Citizens Advisory Committee on Pipeline Safety
Meeting Minutes Summary
Location: WUTC - Olympia, WA
January 9, 2002

Present

Chuck Mosher, Chair
Don Evans
Harry “Jay” Follman
Lee A. James
Duane Henderson
Richard Gilda
Brad Rosewood
Grant Jensen
Les Olsen

Absent

Sarah Spence
Laura L. Parsons
Alan J. Cabodi

Agenda:

1. Welcome
2. Adoption of October 24th and November 28th, 2001 Meeting Minutes
3. Department of Ecology Update
4. Damage Prevention Legislative Issues
5. Public Comment
6. Discussion of 2002 Committee Meeting Schedule
7. Subcommittee Reports
8. Discussion and Approval of Committee Bylaws
9. Washington Utilities and Transportation Commission Update
10. Items for Next Meeting Agenda

Committee member vacancy:

Prior to the meeting, Committee member Susan Harper sent the members a letter of resignation. Ms. Harper indicated that while she still has a great interest in the work of the Committee, personal and professional obligations were preventing her from committing the time necessary to fulfill the Committee obligation in the manner she would like. Ms. Harper’s position on the Committee will need to be refilled through appointment by the Governor’s Office.

1. **Welcome** – Chairman Chuck Mosher welcomed everyone to the meeting of the State of Washington Citizens Committee on Pipeline Safety.

2. **Adoption of October 24th and November 28th, 2001 Meeting Minutes** – The Committee voted to approve the meeting minutes from the October 24, 2001 and November 28th, 2001 without modifications.
3. **Department of Ecology Update** – Linda Pilkey-Jarvis, with the Department of Ecology (DOE) Spills Program, reported to the committee on the 2001 activities of the DOE. BP/Olympic worked with the DOE on a “worst case drill” in 2001. Linda explained that these types of drills help the company on the transitions that occur after a spill and the coordination of all the different agencies that come to help with the spill. The outcome report of this drill has been completed and Linda said she would forward an electronic copy of the report to the committee. She also reported that the DOE conducted a worst-case scenario spill drill with McChord Pipeline and it was very successful. Linda explained how the pipeline companies have a list of objectives unique to each company to complete over a three-year period.

Linda informed the committee that a regional response team meeting in Bellingham (Hampton Inn) on January 28th – 31st and will have a morning session on pipeline issues. Please contact Linda Pilkey-Jarvis at (360) 407-7447 for more information on the regional response team meeting.

Damage Prevention Legislative Issues – The Committee invited a panel of individuals to present information to the Committee about the damage prevention enforcement issue and the upcoming legislative session. The panel consisted of Frank Planton (One-Call Concepts), Rick Slunaker (Association of General Contractors), Jim Clark (BP/Olympic Pipeline Company) and Rick Kuprewicz (Accufacts, Inc.). First, Carole Washburn, with the Washington Utilities and Transportation Commission (WUTC), provided an overview of the damage prevention workshop activities facilitated by the WUTC in 2001. Carole reminded the Committee of its request for the WUTC to create a white paper on damage prevention issues. This white paper was handed out at the November 2001 Committee meeting. Included within the white paper was an appendix that summarized a survey the WUTC sent out in September 2001 asking various stakeholders about third-party damage statistics. Also included in the white paper was a copy of draft legislation that was drafted by the WUTC, which intended to capture the concepts agreed to in the workshops. The draft bill amended the existing One-Call law (RCW 19.122). The WUTC drafted the bill as a starting point to get discussion going among stakeholders. The first draft was presented at a workshop on October 26, 2001. The language was re-drafted based on comments from the October 26th workshop and presented again around October 31, 2001. The draft incorporated concepts with general consensus from the 2001 workshops:

- a) The need to find an effective enforcement mechanism,
- b) Creation of a peer board to hear complaints,
- c) A designated state agency to enforce the penalties (WUTC, chosen by workshop participants),
- d) Creation of a separate fund for the penalties, which would then be used for education,

- e) The removal of existing language requiring underground facilities be damaged before civil penalties could be assessed,
- f) That damage prevention be comprehensive; protecting all underground facilities.

The Washington Utilities Coordinating Council (WUCC) also drafted a bill on damage prevention enforcement. A matrix was handed out which compared the WUTC and the WUCC bills. Frank Planton, with One Call Concepts, explained the main points of the WUCC bill. He indicated that the WUCC believed it was important that if parties involved in the complaint process were able to reach settlement on disputes the enforcing agency should not be able to change that agreement. He stated that informality was a key for the board to work toward solutions in the disputes between parties. The WUCC bill allows for this by not requiring formal record of hearings and requiring that any information exchanged during hearings could not be used later in court. The intent is to allow the board of peers to make decisions on complaints

Rick Slunacker, with the Association of General Contractors (AGC), was the AGC's position on the damage prevention enforcement issue. Rick stated that the AGC does not support the WUTC being the regulatory authority on enforcement of RCW 19.122. The AGC realizes that there may need to be some fine-tuning of the law, however, they do not support the kind of changes that the WUTC or WUCC are proposing. Mr. Slunacker stated that the AGC believed that parties should start by improving education and collecting better data on damages caused by third party excavation. He said that if an enforcement bill is presented to the legislature then the AGC will have comments on it. The AGC is very interested in the protection of hazardous liquid pipelines and would like to figure out the best way to accomplish that. Rick stated that the current law needs to be improved and feels enforcement is not the right first step. Rather, he suggested that parties should work to develop a system that is easy and beneficial so that people will follow the law. Rick was asked who would be a better group to facilitate the damage prevention issue than the WUTC. He responded by suggesting that an umbrella agency of the AGC called the Washington Construction Industry Council (WCIC) or the Utility Contractors Association may be better choices. Rick said that he would ask the WCIC to put the topic of damage prevention on their agenda.

Rick Kuprewicz felt that parties should continue to focus efforts on protection of pipelines first and not let the issue of other underground utilities cloud things. He said he didn't think the public would be too patient with this. He noted that there is a federal law on the books right now that could impose criminal penalties on those that do not follow the One-Call law. Mr. Kuprewicz said that he would like to see everyone work together on the damage prevention issue.

Jim Clark, with BP/Olympic Pipeline Company, stated on behalf of his company that they are very supportive of damage prevention efforts. Right now BP/Olympic uses the court system to resolve any problems with third-party damage, however, the company would rather resolve it using other, less onerous, methods. Jim also noted that pipeline companies rely on the other infrastructures in the ground like fiber optic cables and

electricity to run their pipelines. Because of this, BP/Olympic believes that all underground utilities should be protected.

Committee member Duane Henderson, with Puget Sound Energy (PSE) stated that PSE is behind damage prevention but is not convinced that focusing on just enforcement will fix the problem. PSE has concerns that if a bill is introduced during the 2002 legislative session and it is opposed by other parties then it could taint the chances of a bill being passed in future legislative sessions. Duane stated that public education on the current law and one-call system and working with permitting agencies and local governments would be a good place to start.

Committee member Don Evans stated that he believed the national Best Practices study completed by the Common Ground Alliance could be a model that the State of Washington can follow. He also suggested that the Governor should appoint a committee to re-vamp the current law. Don said he didn't believe the issue of damage prevention should fall completely on the Citizens Committee on Pipeline Safety, the WUCC or the WUTC.

Chairman Chuck Mosher stated that the damage prevention subcommittee would meet later in the meeting to discuss next steps. Chuck also thanked the panel for attending the meeting to inform the Committee about the various viewpoints on damage prevention and potential legislation.

4. Public Comment –

Ken Meyer, Fuel Safe Washington President – Stated that he believed that gas and hazardous liquid pipeline safety should be the focus of the damage prevention bill. He agreed with Mr. Kuprewicz that involving other underground utilities is unwise. Mr. Meyer said that he didn't understand the AGC's concerns with the legislative drafts now on the table. He said that if there was a legislative start to create a board now, this could lead to opportunities for other improvements down the road. The law could always be revisited again next year to provide further improvements. If a board were available then a forum would be there for all types of issues to be raised for all parties involved.

Steve Rieger, Office of Pipeline Safety – Commenting as a citizen, not on OPS' behalf. When working for the WUTC in 1997, Mr. Rieger recalled the damage prevention legislation effort of the WUTC that was defeated primarily due to the efforts of the AGC. Mr. Rieger urged the Committee to keep this issue before the legislature and to work on protecting all underground utilities; not just pipelines. He recommended the Committee not run away from this issue.

Jodi Wright, Northwest Natural Gas – Ms. Wright relayed that her company's experience in Oregon is that the peer board there has made a distinct difference in reducing third-party damage numbers.

6. **Discussion of 2002 Committee Meeting Schedule** –

The Committee decided that their first choice for the meeting schedule would be the 1st Wednesday of the month and their second choice would be the 2nd Wednesday of the month. Chairman Mosher said that he would check with the Committee members that were not able to attend today's meeting and find out what would work for them. He will keep the Committee posted on the date of the Committee meetings for 2002.

7. **Subcommittee Reports** – The Committee moved to group together the Public Awareness of Pipeline and the Public Relation subcommittees into one subcommittee. Chairman Mosher asked the subcommittees to meet at this point and determine a chair and the 2002 goals of the subcommittee. The Chairman also reminded the Committee that the Executive Committee proposed within the Committee bylaws, would be made up of the subcommittee chairs and himself. The Executive Committee will be responsible for the annual report to the Governor, Legislature, etc.

Damage Prevention – Chair, Don Evans, Members - Duane Henderson, Richard Gilda

Recommendations: The Committee as a whole should support the WUCC bill and make a statement to the legislature supporting it. The Committee should develop a white paper or article stating that more needs to be done at the city and/or county level using the example of the Whatcom County Comprehensive Plan as a model. Chuck Mosher and Don Evans plan to go to Association of Washington Cities (AWC) legislative representatives to ask for support for WUCC legislation.

Annual Goals:

- Require notice of RCW 19.122 on all planning documents/permits.
- Building permits should have a space on them for one-call ticket numbers.
- Require disclosure statements for all properties within 660 feet of a pipeline at the time of transfer.

Public Awareness of Pipelines and Public Awareness – Chair, Brad Rosewood, Members - Les Olsen, Laura Parsons

Annual Goals:

- Develop a public awareness brochure on pipelines for statewide distribution. (Would like to present a draft by the July meeting.)
- Public Service Announcements (PSA) for the “call-before-you dig” promo on radio and T.V.
- Laura is working with the Governor's office on establishing a statewide “Pipeline Safety Day”.
- Work with rental companies to get the one-call notification number on rental equipment or a brochure to be handed out to the renter of the equipment.

Legislative/Input/Monitoring – Chair, Lee James, Members – Jay Follman, Chuck Mosher & Grant Jensen

- Short-term goal: Suggest that the Committee support one of the damage prevention bills, most likely the WUCC bill. Recommend developing contacts with legislators and testifying during a hearing. Invite some legislators to a

- Committee meeting. AGC would be less obstructive to a pipeline damage prevention bill; suggest focusing on pipelines only.
- On the federal level: Send a letter of support for one of the pipeline bills in Congress, maybe the Young bill. Get more information on the federal pipeline bills.
 - Give input on WUTC and DOE rulemakings

Action:

It was moved that the Committee accept and support the WUCC bill with some technical revisions and send a letter of support to the legislature highlighting the importance of protecting pipelines and acknowledge the other underground utilities needing protection as well. The motion was seconded and voted for adoption by all voting members present.

Discussion and Approval of Committee Bylaws – The issue of whether to include the Committee identified ground rules (or agreements) in the bylaws was discussed. Some Committee members felt that having them in the bylaws was demeaning as these ground rules are common courtesy between adults. A motion to remove the ground rules/agreements from the bylaws was made and seconded. The Committee voted in favor of replacing the stated ground rules with the sentence: “*Committee members will strive to conduct themselves in a professional manner and treat each other with respect*”. Another motion to adopt the bylaws, as amended, was made and unanimously voted in favor. Committee bylaws will be finalized as voted and distributed to all members.

9. **Washington Utilities and Transportation Commission (WUTC) Update** – Doug Kilpatrick, Pipeline Safety Director with the WUTC, summarized the 2001 inspection activities of the WUTC pipeline safety division. Two spreadsheets on interstate and intrastate pipeline company inspections were handed out to the Committee. The spreadsheets presented information on the completion of inspections as established in the 2001 WUTC pipeline safety work plan. Doug expressed that the division did very well in completing the inspections as noted.

A Committee member asked Doug how the WUTC did on their budget expenditure assumptions for the calendar year. Doug explained he could not yet determine exact comparison between expenditures and overall budget because of the difference between the state fiscal year, which began July 1, 2001, and the division work plan based on the calendar year.

Doug let the Committee know that Kim West was hired to fill the Senior Pipeline Safety Engineer position that was formerly held by Dennis Lloyd. Kim has been with the WUTC pipeline safety division for three years. She will be working closely with Doug on quality assurance for the pipeline safety division’s engineers as they complete assigned inspections. He indicated that an important aspect of Kim’s work will be to assure that the pipeline regulations are being applied appropriately and consistently between all the pipeline companies.

10. Items for Next Meeting Agenda – The Committee would like to have the following items on the February meeting agenda:

- DOE/WUTC rulemakings
- Damage prevention legislation
- Federal pipeline safety bills

The date for the next Committee meeting was not decided at this meeting because input from the absent members was requested before a decision will be made.

The meeting adjourned at 4:00 p.m. on January 9, 2002.